

IRL-Dublin: legal services

OJ S 28/2012 10/02/2012

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: Financial Services Ombudsman Bureau

Postal address: 3rd Floor, Lincoln House, Lincoln Place

Town: Dublin 2

Country: Ireland

For the attention of: Diarmuid Byrne

E-mail: diarmuid.byrne@financialombudsman.ie

Telephone: +353 16318561

Internet address(es):

General address of the contracting authority: www.financialombudsman.ie

Address of the buyer profile: http://www.etenders.gov.ie/search/Search_AuthProfile.aspx?ID=AA9401

Additional information can be obtained from:

Official name: Financial Services Ombudsman Bureau

Postal address: 3rd Floor, Lincoln House, Lincoln Place

Town: Dublin 2

Country: Ireland

For the attention of: Diarmuid Byrne

E-mail: diarmuid.byrne@financialombudsman.ie

Telephone: +353 16318561

Internet address: www.financialombudsman.ie

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:

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Postal address: 3rd Floor, Lincoln House, Lincoln Place

Town: Dublin 2

Country: Ireland

For the attention of: Diarmuid Byrne

E-mail: diarmuid.byrne@financialombudsman.ie

Telephone: +353 16318561

Internet address: www.financialombudsman.ie

Tenders or requests to participate must be submitted: Official name: Financial Services Ombudsman Bureau

Postal address: 3rd Floor, Lincoln House, Lincoln Place

Town: Dublin 2

Country: Ireland

For the attention of: Diarmuid Byrne

Telephone: +353 16318561

Internet address: www.financialombudsman.ie

I.2. Type of the contracting authority

Body governed by public law

I.3. Main activity

Economic and financial affairs

I.4. Contract award on behalf of other contracting authorities

The contracting authority is purchasing on behalf of other contracting authorities: no

Section II: Object of the contract

II.1. Description

II.1.1. Title attributed to the contract by the contracting authority

For the establishment A Multi-Operator Framework Agreement for Legal Services.

II.1.2. Type of contract and place of performance or delivery

Services

Service category No 21: Legal services

Main site or place of performance: Dublin.

NUTS code IE021 Dublin

II.1.3. Information about a framework agreement or a dynamic purchasing system

The procurement involves the establishment of a framework agreement

II.1.4. Information about framework agreement

Framework agreement with several operators

Maximum number Envisaged maximum number of participants to the framework agreement
: 5

Duration of the framework agreement

Duration in years: 6

In the case of framework agreements, provide justification for any duration exceeding 4 years:
This framework agreement concerns a non-priority (Annex IIB) service which is not subject, inter alia, to the provisions of Directive 2004/18/EC covering framework agreements, timescales and choice of procedure.

Estimated total value of purchases for the entire duration of the framework agreement

Estimated value excluding VAT:

Range: between 1 500 000 and 3 000 000 EUR

II.1.5. Short description of the contract or purchase(s)

The FSO wishes to establish a multi-party framework agreement for the provision of legal services. It is intended that 3 firms will be admitted to the framework, although the FSO reserves the right to admit up to 5 firms to the framework.

Legal services as required including but not limited to advice, legal support and processing of High Court Appeals and Judicial Reviews together with advice and legal support arising from and in connection with the FSO's functions and role pursuant to the Central Bank and Financial Services Authority of Ireland Act, 2004.

The services shall include the following (indicative list):

- Processing of High Court Appeals of Findings of The Financial Service Ombudsman under the provisions of the Act,
- Processing of Judicial Review proceedings in the High Court brought against the FSO or in which the FSO is a notice party,
- Processing of Enforcement actions under the provisions of the Act,

— Advice on all relevant laws including Directives, Regulations, Guidelines, Codes and Standards on an-ongoing basis and to review and advise on the legal aspects of all reports, letters, memoranda, emails, correspondence, agreements and documents arising from the work and functions of the FSO.

Advices and legal support as required arising from the functions and role of the FSO generally and/or as specific legal issues may arise from time to time.

NOTE: To register your interest in this notice and obtain any additional information please visit the eTenders Web Site at http://www.etenders.gov.ie/Search/Search_Switch.aspx?ID=378332.

II.1.6. CPV code(s)

79100000 Legal services, 79110000 Legal advisory and representation services

II.1.7. Information about the Government Procurement Agreement (GPA)

II.1.8. Lots

This contract is divided into lots: no

II.1.9. Information about variants

Variants will be accepted: no

II.2. Scope of the procurement

II.2.1. Total quantity or scope

This framework agreement concerns Legal services will be for a maximum potential duration of 6 years.

Estimated value excluding VAT:

Range: between 1 500 000 and 3 000 000 EUR

II.2.2. Information about options

Options: no

II.2.3. Information about renewals

This contract is subject to renewal: no

II.3. Duration of the contract or time limit for completion

Duration in months: 72 (from the award of the contract)

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

III.1.2. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them

III.1.3. Legal form to be taken by the group of economic operators to whom the contract is to be awarded

A grouping, if successful, may be required to contract as a single entity having joint and several liability but subject to the agreement of the contracting parties. If it is proposed to subcontract the delivery of any portion of the initial contract or any subsequent contract under the framework, it may be a condition of award of contract that both the service provider and any

proposed sub-contractor enter simultaneously into a collateral warranty with the contracting authority for the relevant portion of that contract.

III.1.4. Contract performance conditions

The performance of the contract is subject to particular conditions: no

III.2. Conditions for participation

III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions: As per the qualification questionnaire, available to download from www.etenders.gov.ie.

III.2.2. Economic and financial ability

List and brief description of conditions: As per the qualification questionnaire, available to download from www.etenders.gov.ie.

Minimum level(s) of standards possibly required: As per the qualification questionnaire, available to download from www.etenders.gov.ie.

III.2.3. Technical and professional ability

Minimum level(s) of standards possibly required:

As per the qualification questionnaire, available to download from www.etenders.gov.ie.

III.2.4. Information about reserved contracts

III.3. Conditions specific to services contracts

III.3.1. Information about a particular profession

Execution of the service is reserved to a particular profession: yes

Reference to the relevant law, regulation or administrative provision: Candidates must be eligible to provide legal services in Ireland under the terms of the Solicitors Act, 1954 (as amended) and relevant EU law.

III.3.2. Information about staff responsible for the performance of the contract

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract: yes

Section IV: Procedure

IV.1. Type of procedure

IV.1.1. Type of procedure

Negotiated

Some candidates have already been selected (if appropriate under certain types of negotiated procedures) no

IV.1.2. Information about the limits on the number of candidates to be invited

Envisaged minimum number 3

Objective criteria for choosing the limited number of candidates: Candidates must complete qualification questionnaire available to download from www.etenders.gov.ie.

IV.1.3. Information about reduction of the number of solutions or tenders during negotiation or dialogue

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated yes

IV.2. Award criteria

IV.2.1. Award criteria

The most economically advantageous tender in terms of Price is not the only award criterion and all criteria are stated only in the procurement documents

IV.2.2. Information about electronic auction

An electronic auction will be used: no

IV.3. Administrative information

IV.3.1. File reference number attributed by the contracting authority

IV.3.2. Previous publication concerning this procedure

IV.3.3. Conditions for obtaining specifications and additional documents or descriptive document

IV.3.4. Time limit for receipt of tenders or requests to participate

5.3.2012 - 12:00

IV.3.5. Estimated date of dispatch of invitations to tender or to participate to selected candidates

12.3.2012

IV.3.6. Languages in which tenders or requests to participate may be submitted

English. Irish.

IV.3.7. Minimum time frame during which the tenderer must maintain the tender

IV.3.8. Conditions for opening of tenders

Section VI: Complementary information

VI.1. Information about recurrence

VI.2. Information about European Union funds

VI.3. Additional information

— As a the subject matter of this framework agreement is a non-priority (Annex IIB) service, the establishment of the framework is not subject to the provisions of Directive 2004/18/EC with regard to the choice of procedure.

Therefore, the awarding authority reserves the right to employ the negotiated procedure provided for in the aforementioned Directive in order to establish the framework.

— Interested parties must register their interest on the eTenders web site (www.etenders.gov.ie) in order to be included on the mailing list for clarifications. All information relating to attachments, including clarifications and changes, will be published on the Irish Government procurement opportunities portal (www.etenders.gov.ie) only. Registration is free of charge,

— this is the sole call for competition for these services,

— the contracting authority will not be responsible for any costs, charges or expenses incurred by candidates or tenderers,

- contract award will be subject to the approval of the competent authorities,
- it will be a condition for admittance to the framework agreement that tenderers and their sub-contractors (if any) produce a valid tax clearance certificate from the Irish revenue commissioners and that they retain a fully valid certificate throughout the lifetime of the framework and of contracts awarded under the framework.
- admittance to the framework will also be conditional upon formal written acceptance of FSO's Terms and Conditions,
- if for any reason it is not possible to admit to the framework agreement one or more of the tenderers invited following the conclusion of the competitive process, the contracting authority reserves the right to invite the next highest scoring tenderer(s) to join the framework agreement as appropriate. This shall be without prejudice to the right of the contracting authority to cancel this competitive process and/or initiate a new contract award procedure at its sole discretion,
- contracts will be awarded under the framework either by reference to the original tenders or by mini-tender competition at the discretion of the authority. Notwithstanding the existence of the framework, the contracting authority at its sole discretion reserves the right to engage in a separate procurement procedure outside of the framework for any contract arising for legal services,
- should you wish any of the information supplied by you not to be disclosed because of its sensitivity, you should, when providing the information, identify same and specify the reasons for its sensitivity. The Financial Services Ombudsman Bureau will take this into consideration if it receives a request for disclosure, and may consult with you, but may decide to disclose the information despite your view. It is not sufficient to include a general statement that all your information is confidential or commercially sensitive.
(ET Ref:378332).

VI.4. Procedures for review

VI.4.1. Review body

Official name: The High Court
Postal address: Four Courts, Inns Quay
Town: Dublin 7
Country: Ireland
Internet address: www.courts.ie

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: Statutory Instrument No. 130 of 2010 (the Irish Remedies Regulations) provides that review procedures are available in the High Court to a person who has or has had an interest in obtaining the framework agreement or a reviewable public contract and alleges that he or she has been harmed or is at risk of being harmed by an infringement of the law in relation to that framework agreement or reviewable public contract.

VI.4.3. Service from which information about the review procedure may be obtained

Official name: Please contact a legal advisor

VI.5. Date of dispatch of this notice

7.2.2012